

REMARKS

Applicant respectfully requests reconsideration of this application as amended.

Office Action Rejections Summary

Claims 1-3, 5, 8-10, 16-18 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,069,872 of Bonomi et al. ("Bonomi").

Claims 4, 6, 7, 11-15, 19 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Bonomi in view of purported Admission (page 11 line 7-page 12).

Status of Claims

Claims 1-25 remain pending in the application. Claims 1, 8, 12 and 16 have been amended to more properly define preexisting claim limitations. The amended claims are supported by the specification. Claims 21-25 have been added. No new matter has been added. Claims 7, 11 and 19 have been canceled.

Claim Rejections

Claims 1-3, 5, 8-10, 16-18 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,069,872 of Bonomi. Claims 4, 6, 7, 11-15, 19 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Bonomi in view of purported Admission (page 11 line 7-page 12).

Applicant respectfully submits that amended claims 1, 7 and 16 are patentable over the cited reference. Claim 1 has been amended to include all the limitations of original claim 7. Amended claim 1 recites:

A system, comprising a network node configured to negotiate for connections for high priority calls received at the node in the face of otherwise congested outbound communication links, wherein the node is configured to **negotiate for**

one or more voice channels to accommodate the high priority calls depending upon selected compression schemes for existing calls transported on the outbound communication links.

(emphasis added)

Claim 8 has been amended to include all the limitations of original claim 11.

Amended claim 8 recites:

A method comprising managing a communication link between nodes of a communication network so as to ensure connection availability for one or more high priority calls over the communication link through dynamic renegotiations of call parameters for existing calls transported over the communication link, **wherein the dynamic renegotiations comprise negotiations of compression schemes for the voice calls.**

(emphasis added)

Claim 16 has been amended to include all the limitations of original claim 19.

Amended claim 16 recites:

A network comprising:
a number of nodes connected through one or more communication links;
and
a resource manager configured to allocate bandwidth over the communication links to high priority calls received at one or more of the nodes without dropping existing calls within the network, **wherein the nodes each support multiple codec resources, which compress voice information transmitted over the communication link.**

(emphasis added)

With respect to claims 7, 11 and 19 the Office Action states

Bonomi discloses a system and method for controlling congestion in a packet switched communications system and in particular to an explicit rate congestion control system and method for an asynchronous transfer mode (ATM) communications network. Bonomi does not disclose the use of codec resources that provide compression schemes and further does not disclose the use of OAM as a negotiation process for bandwidth management. Admission discloses use of codec resources that provide compression schemes utilizing less bandwidth and further discloses the use of OAM as a negotiation process for proper bandwidth management (ATM Trunk Networking Using ALL2 for Narrowband Services, Feb 99) page 11 line 7-page 12.

(Office Action, 12/4/02, pages 3-4).

Applicant submits that nothing in Bonomi, either alone or in combination with purported Admissions teaches or suggests the limitations of either of claims 7, 11 or 16. Applicant respectfully disagrees with the Office Action's assertions regarding "Admissions" and the characterization of Bonomi. Applicant wishes to draw the Examiner's attention to the exact language of the specification at pages 11 and 12. Specifically, the specification at pages 11 and 12 states:

On mechanism for the exchange of such profiles is the ATM Adaptation Layer type 2 (AAL2) protocol. Recently, the ATM Forum has promulgated standards document af-vota-0113.000, entitled "ATM Trunk Networking Using AAL2 for Narrowband Services" (Feb. 1999). In that document, which is incorporated herein by reference as is set forth in its entirety, a scheme for selecting and managing encoding algorithms at nodes of an ATM network according to prearranged agreements is described. **This scheme calls for the exchange of profile information in a manner suitable for use in accordance with the present invention.**

The format and use of OAM cells are well known in the art and need not be further described herein. What is unique is **the use of such cells (which may be transmitted from a high priority queue within a node so as to ensure rapid call handling) to negotiate compression schemes** for a channel on the fly.

(emphasis added)

The Office Action further states:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bonomi's rate control system to include OAM and compression schemes as taught by Admission so as to utilize less bandwidth within an congested communications system.

(Office Action, 12/4/02, page 4).

Applicants respectfully submit that the rote invocation the skill of one in the art is not a sufficient basis for providing such a modification of Bonomi and that it would be impermissible hindsight, based on applicants' own disclosure, to make such a modification. Applicants respectfully submit that the Office Action has failed to point out any motivation for the asserted modification of Bonomi other than the advantage provided by the applicant's own disclosure. Indeed, it appears that the teachings of the

present application have been used as a blueprint in arriving at the rejection. Such is a clear example of hindsight reconstruction and cannot properly be used as grounds for rejecting the present claims. The Office Action must show a motivation within Bonomi as to why one of skill in the art, facing the problem confronting the inventor of Bonomi, would be motivated to make such a purported modification of Bonomi that creates the case of obviousness.

The Office Action states that the asserted modification of Bonomi would “utilize less bandwidth” within a congested communications system of the Bonomi. Applicants do not understand how the Bonomi system would utilize less bandwidth, in particular, because if all transmissions utilized compression then there would still be the same problem facing the inventors of Bonomi of having to control the transmission *rate*. (See Bonomi, col. 3, lines 39-60). Additionally, few patents would be allowable in the network art if broad generalizations such as “utilize less bandwidth” could be used in rejections of applications to provide a motivation to modify references by one of skill in the art under 35 U.S.C. §103(a).

In conclusion, applicants respectfully submit that in view of the arguments and amendments set forth herein, the applicable rejections have been overcome.


If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

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